

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BESSETTE, Steven M.

Atty. Ref.: WFG-4380-150

Serial No. 10/765,093

TC/A.U.: 1616

Filed: January 28, 2004

Examiner: QAZI, Sabiha Naim

For: HERBICIDAL COMPOSITIONS CONTAINING CLOVE OIL

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

In compliance with the duty of disclosure requirements under 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant(s) concurrently submit herewith a Form PTO/SB/08a that lists documents containing information that may be considered material to the examination of the above-captioned patent application. A copy of each cited document is also being submitted herewith, if required. No representation is made or intended that (1) more relevant information does not exist, (2) the order of presentation of the information in any way reflects their relative pertinence to the above-captioned patent application, or (3) a search has been made. The Examiner is specifically requested not to rely solely on the information submitted herewith. Applicant(s) respectfully request(s) that the submitted information be expressly considered during the prosecution of this application and that all cited document(s) be made of record therein and appear among the "References Cited" section of any patent to issue therefrom. At least one of the boxes below applies to the present application.

1. ☒ This Information Disclosure Statement is being filed within three months of the U.S. RCE filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.

- a. ☒ **Contingent Request to Treat Under 37 C.F.R. § 1.97(c).** In the event a first Office Action has been mailed prior to filing of the present Information Disclosure Statement and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(c). **Please charge the fee required under 37 C.F.R. § 1.17(p) to the undersigned's Deposit Account No. 14-1140 and use the following reference number: WFG-4380-150.**

- b. ☐ **Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(1).** In the event a first RCE Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the RCE filing of the application (for regular applications not including CPAs or RCEs), the Patent Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(1) in that the undersigned hereby states that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

2. ☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

- c. ☐ I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1). In the event a Notice of Allowance or a Final Rejection has been mailed prior to filing this Information Disclosure Statement, the Patent Office is authorized to treat this as a submission under 37 C.F.R. 1.97(d) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p).
- d. ☐ I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- e. ☐ **Please charge the fee required under 37 C.F.R. § 1.17(p) to the undersigned's Deposit Account No. 14-1140 and use the following reference number: WFG-4380-150.**

3. ☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our check in the amount of \$____ in payment of the fee under 37 C.F.R. § 1.17(i). If no check is attached, please charge the required fee to the undersigned's Deposit Account No. 14-1140.

- a. ☐ I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b. ☐ I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

4. ☐ Relevance of some or all of the cited non-English language document(s) is/are discussed in the present specification.

5. ☐ Some or all of the cited document(s) was/were cited in a corresponding foreign application. For the Examiner's information, an English language version of the foreign search report or official action is attached. See MPEP § 609. It is believed that the foreign search report explains the relevance of any non-English language references(s) cited on the attached PTO/SB/08a.

6. ☐ A concise explanation of the relevance of some or all of the non-English language document(s) appears in the Appendix and/or the English-language abstract(s) attached hereto.

7. ☐ Copies of some or all of the documents were cited by or submitted to the Patent Office in parent Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

8. ☐ The Examiner's attention is directed to co-pending and/or related U.S. Patent Application No. _____, filed _____, which is/are directed to related technical subject matter. The identification of the above-listed U.S. Patent Application(s) is not to be construed as a waiver of secrecy as to the application(s), now or upon issuance of the present application as a patent. During the prosecution of the above-captioned patent application, the Examiner is respectfully requested to expressly consider the information contained in any documents submitted to the Patent Office in the above-listed U.S. Patent Application(s).

9. ☐ The publication date indicated on at least one of the listed documents does not indicate a month of publication. However, the year of publication of each listed document is believed to be sufficiently earlier than the effective U.S. filing date and any relied upon foreign priority date. Although a publication date is provided for each document listed on the attached PTO/SB/08a based on the best information presently available to the undersigned, the listed publication date should not be construed as an admission that the information contained in the document was actually published on such listed publication date.

Applicants hereby request any extension of time deemed necessary for entry of this submission and any submission filed hereafter in this application or any continuing application(s). Applicants make a Conditional Petition for any relief available to correct any defect in connection with this filing, or any defect remaining in this application after this filing. The Commissioner is authorized to charge any petition fee under 37 C.F.R. § 1.17 or any deficiency in fees filed, or asserted to be filed, or which should have been filed herewith (or with any paper filed hereafter) to Deposit Account No. **14-1140** (please use reference number: **WFG-4380-219**) or credit any overpayment of fees to such Deposit Account.

Respectfully submitted,

NIXON & VANDERHYE P.C.

Date: December 19, 2007

By: /Willem F. Gadiano/

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